

**REMARKS**

**I. STATUS OF THE CLAIMS**

Claims 1, 2, 5-8, and 10-17 were previously pending in this application. In accordance with the foregoing, various claims have been amended herein. Claims 18 - 20 are added herein. Support for the claim amendments and new claims can be found, for example, on page 19, line 5 thru page 22, line 22 of the specification. Therefore, claims 1, 2, 5-8, and 10-18 are pending and under consideration.

The Examiner rejected claims 1, 2, 5-8, and 10-17 in the Office Action mailed June 16, 2005 (Office Action). The Examiner further objected to claims 1, 2, 5-8 and 10-17 in the Advisory Action mailed November 16, 2005 (Advisory Action), indicating the claims would be rejected for the same reasons cited in the Office Action. The remarks below address both the Examiner's assertions in the Office Action and the Advisory Action.

No new matter is being presented, and approval and entry are respectfully requested.

**II. REJECTION OF CLAIMS 5, 7, 8 AND 10-12 UNDER 35 U.S.C. § 102(e) AS BEING ANTICIPATED BY SUZUKI ET AL. (U.S. PATENT NO. 5,736,982).**

The present invention as recited, for example, in claim 5 is amended herein to further clarify the invention. For example, claim 5 now recites in part:

**"wherein the plurality of predetermined control instructions correspond to a plurality of types of image representations and/or physical representations among the chat devices, and the plurality of predetermined different correlated operation instructions** correspond to a plurality of different chat device destinations to operate image representations and/or physical representations of chat participants that are linked to or installed in the chat device destinations;

**transmitting the determined plurality of the different control instructions and/or the determined plurality of the different operation instructions corresponding to the event** via the chat system to the determined corresponding chat device destinations to operate the image representations and/or the physical representations of the chat participants that are linked to or installed in the chat device destinations."

The Applicant respectfully submits that the present invention, as recited, for example, in claim 5, overcomes the rationale asserted in the Office Action over Suzuki et al. (Suzuki). Because

Suzuki does not provide all the elements of the claimed invention and is therefore, no longer a valid grounds of rejection.

The Examiner argues on page 6, of the Office Action that Suzuki teaches a plurality of predetermined different correlated operation instructions that correspond to the predetermined event ([move instructions], citing Suzuki, col. 5 line 34-49). Thus, the Examiner asserts that Suzuki discloses different operation instructions for one event.

However, a closer reading of Suzuki and Figures 4A – 4C, shows a format of a move message sent from a terminal when a user moves an avatar using a joystick and the like. A message identifier (MID) is a predetermined number representing a message for sending position information based on a movement of the avatar (see col. 6, lines 40-47). If this MID is considered to correspond to the operation instruction in the present invention, it is obvious that only one operation instruction per event (i.e. an event that the avatar is moved) is disclosed in Suzuki. Here Suzuki describes a process where an avatar is moved rightward from position P1 to position P1' via instructions input from a joystick (see col. 5, lines 34-42). Suzuki describes this process by stating in part, "...when the user of each terminal moves and/or turns his avatar in the virtual space, the position information from the terminal is sent as part of a "move" message MM of such format as shown in FIG. 6." (see Figure 6 and column 6, lines 36-39).

Even if a whole move message is considered to correspond to the operation instruction, only one move message is generated for one event (i.e. an event that the avatar is moved). Suzuki discloses,

"...each terminal sends to all the other terminals the "move" message MM of the format of FIG. 6 which contains the position information on the avatar of said each terminal and, at the same time, writes the message into the management table memory 12E of the terminal control part 12 shown in FIG. 7." (see column 7, lines 61-66).

In other words, each terminal receives the same move message, and adjusts its display accordingly. This is clear from the description in Suzuki that an updated coordinate position COV and direction of eyes  $\gamma$  (see col. 7, lines 46-57) is not the same as *transmitting a determined plurality of the different control instructions and/or the determined plurality of the different operation instructions ... to operate the image representations and/or the physical representations of the chat participants*, as recited, for example in claim 5. In this respect, the Examiner's opinion that "each user received different instructions to display their specific view point of the virtual space and the movement therein" based on Fig. 9 of Suzuki is not correct.

(see fourth paragraph of page 6 of the Office Action.)

Please note that Fig. 9 of Suzuki (second embodiment) is directed to a method to generate a direct connection between two users when an eye contact occurs between them. A method to update a display on each terminal in accordance with an event occurred is disclosed in the first embodiment of Suzuki. In this respect, it is respectfully submitted that the Examiner is not correct based upon the Examiner's opinion that "each user receives different instructions to display their specific viewing point of the virtual space and the movement therein" on Fig. 9 in the second embodiment of Suzuki.

In contrast, the present invention transmits ***the determined plurality of the different control instructions and the determined plurality of the different operation instructions corresponding to the event via the chat system***, as recited for example, in claim 5. For instance, it is possible to prepare a plurality of operation instructions and control instructions corresponding to an event to make the operation of a chat character more varied as the number of participants increases, as recited, for example, in claim 18.

Therefore, Suzuki does not disclose or suggest, ***the plurality of predetermined control instructions correspond to a plurality of types of image representations and/or the physical representations***, as recited, for example, in claim 5. Suzuki is focused on position information that is used to determine when two avatars are in each other's line of sight. Suzuki makes no suggestion of control instructions corresponding to a plurality of ***types of image representations and/or the physical representations***.

Although the above comments are specifically directed to claim 5, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims (e.g. 1, 6, 7, 8 AND 10-17) over the cited references.

In view of the above, it is respectfully submitted that the rejection is overcome.

### III. REJECTION OF CLAIM 1 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER SHIO ET AL (U.S. PATENT NO. 5,491,743) IN VIEW OF SUZUKI ET AL.

Claim 1 is amended herein to further clarify the invention. The present invention, as recited, for example, in amended claim 1, provides a method comprising:

" determining at the chat administrator a plurality of different control instructions for each type of image representations and/or physical representations among the plurality of chat participants linked or installed in the chat devices,

determining at the chat administrator different chat device destinations corresponding to the determined plurality of the different operation instructions and the determined plurality of different control instructions for operating the image representations and/or the physical representations of the chat participants linked or installed in the different chat device destinations, and sending by the chat administrator the determined plurality of the different operation instructions and/or control instructions corresponding to the event via the chat system...”

The Examiner’s rationale in rejecting claim 1 on page 9 of the Office Action concedes that although Shiiro et al. (Shiiro) shows different instructions for operating the volume of speech of each animated character. Shiiro does not provide specific instructions for determining *different operation instructions and the determined plurality of different control instructions for operating the **image** representations* as recited, for example, in claim 1. Therefore, the Examiner relies on Suzuki, which according to the foregoing arguments in section II, concerning independent claims 5 and 10-12, also fails to disclose or suggest the same.

Furthermore, neither Shiiro nor Suzuki discloses *determining at the chat administrator a plurality of different control instructions for **each type of image representations and/or the physical representations among the plurality of chat participants***, as recited for example, in claim 1. Shiiro also fails to disclose a method of *sending by the chat administrator the **determined plurality of the different operation instructions and/or control instructions corresponding to the event via the chat system***, as recited, for example in claim 1.

Therefore, it would not have been obvious to one of ordinary skill in the art to modify the system shown by Shiiro to employ the process shown in Suzuki, because neither reference discloses or suggests all the features as recited in claim 1. Therefore, it is respectfully submitted that independent claim 1 patentably distinguishes over the cited references and is allowable.

#### IV. REJECTION OF CLAIM 2 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER SHIIRO AND SUZUKI IN VIEW KNOWLEDGE WELL KNOWN IN THE ART.

Claim 2 is dependent from claim 1. Claim 1 should now be in condition for allowance as discussed in section III above. Therefore, it is respectfully submitted that claim 2 is now allowable.

Furthermore, the Examiner asserts that it is well known in the art that the **event**

**detection time** is sent to the determined corresponding different chat device destinations, as recited, for example, in claim 2. The Applicant respectfully traverses the Examiner's statement and demands the Examiner produce authority for the statement. The Applicant specifically points out the following errors in the Examiner's action.

First, the Examiner uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the Examiner's assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, it appears that the Examiner also bases the rejection, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicant. Thus, Applicant calls upon the Examiner to support such assertion with an affidavit.

Therefore, the Applicant respectfully submits that the Examiner has not established a **prima facie** case of obviousness. The Examiner has not established that it would have been obvious to derive the present invention from the inventions of Shiio and Suzuki based on common knowledge.

## V. NEW CLAIMS 18 – 20

Claims 18 – 20 are added herein. Support for claim 18 can be found, for example, on page 19, line 5 thru page 22, line 22. Claim 18 is dependent from claim 5 and should be

allowable for at least the reasons stated in section II above. Therefore, it is respectfully submitted that claim 18 is in condition for allowance.

**X. CONCLUSION**

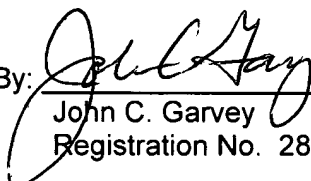
There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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